O Fifed	or Patent Nor Issued:	o.: <u>N</u>	jana Dragic a lot Yet Known Druary 28, 20	02		Attorney's 61010- Docket No: JPW/A
Title c	Invention	r Pater	t: SULFATED	CCR5 PEPT	DES FOR HI	/-1 INFECTION
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VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS UNDER 37 C.F.R. \$1.9(f) AND \$1.27(d) - NONPROFIT ORGANIZATION

I hereby declare that I am an official empowered to act on behalf of the nonpr fit organization identified below:

Name of	Organization: Aaron Diamond AIDS Research Centre (ADARC)
Address	of Organization: 455 First Avenue, 7th Floor
	New York, New York, 10016, U.S.A.
TYPE OF	ORGANIZATION:
•	UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION
	TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE 26 U.S.C. \$\$501(a) and 501(c)(3)
	NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED
	STATES OF AMERICA
	NAME OF STATE: CITATION OF STATUTE:
•	WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE 26 U.S.C.
	§§501(a) and 501(c)(3) IF LOCATED IN THE UNITED STATES OF AMERICA
	WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE
	OF THE UNITED STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA
•	NAME OF STATE:
	CITATION OF STATUTE:
by inver	ntor(s) Tatjana Dragic and William C. Olson
describe	ed in:
	the specification filed herewith
X	application serial no. 10/086,814 filed February 28, 2002
	patent noissued
	declare that rights under contract or law have been conveyed to and remain nonprofit organization with regard to the above identified invention.
concern, no right not qual	rights held by the nonprofit organization are not exclusive each individual, or organization known to have rights to the invention is listed below and s to the invention are held by any person, other than the inventor, who could lify as a small business concern under 37 C.F.R. \$1.9(d)* or a nonpr fit ation under 37 C.F.R. 1.9(e)*
	Separate verified statements are required from each person, concern, ration having rights to the invention averring to their status as small 37 C.F.R. §1.27.
Name:	Progenics Pharmaceuticals
Address:	
,	Tarrytown, New York 10591, U.S.A.
	Individual X Small Business Concern N npr fit Organizati n

37 C.F.R. \$\$1.9(d), 1.9(e)

(d) A small business concern as used in this chapter means any business concern as defined by the Small Business Administration in 13 C.F.R. \$121.3-18, published n September 30, 1982 at 47 FR 43273. For the convenience of the users of these regulations, that definition states:

\$121.3-18 Definition of small business for paying reduced patent fees under Title 35, U.S. Code.

- (a) Pursuant to Pub. L. 97-247, a small business concern for purposes of paying reduced fees under 35 U.S. Code 41(a) and (b) to the Patent and Trademark Office means any business concern (1) whose number of employees, including those f its affiliates, does not exceed 500 persons and (2) which has not assigned, granted, conveyed, or licensed, and is under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could n t be classified as an independent inventor if that person had made the invention, or to any concern which would not qualify as a small business concern or a nonpr fit organization under this section. For the purpose of this section concerns are affiliates of each other when either, directly or indirectly, one concern contr ls r has the power to control the other, or a third party or parties controls or has the power to control both. The number of employees of the business concern is the average over the fiscal year of the the persons employed during each of the pay periods f the fiscal year. Employees are those persons employed on a full-time, part-time or temporary basis during the previous fiscal year of the concern.
- (b) If the Patent and Trademark Office determines that a concern is not eligible as a small business concern within this section, the concern shall have a right to appeal that determination to the Small Business Administration. The Patent and Trademark Office shall transmit its written decision and the pertinent size determination file to the SBA in the event of such adverse determination and size appeal. Such appeals by concerns should be submitted to the SBA at 1441 L Street, NW., Washington, D.C. 20416 (Attention: SBA Office of General Counsel). The appeal should state the basis upon which it is claimed that the Patent and Trademark Office initial size determination on the concern was in error; and the facts and arguments supporting the concern's claimed status as a small business concern under this section.
- (e) A nonprofit organization as used in this chapter means (1) a university or other institution of higher education located in any country; (2) an organization f th type described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)(3)) and exempt from taxation under section 501(a) of the Internal Revenue Code (26 U.S.C. 501(a)); (3) any nonprofit scientific or educational organization qualified under a nonprofit organization statute of a state of this country (35 U.S.C. 201(i); or (4) any nonprofit organization located in a foreign country which would qualify as a nonprofit organization under paragraphs (e)(2) or (3) f this section if it were located in this country.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. 37 C.F.R. \$1.28(b)*.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing:	David D. Ho, M.D.
Title In Organization:	Chairman & Director, Aaron Diamond AIDS Research Centre
Address:	455 First Avenue, 7th Floor
	New York, New York 10016, U.S.A.
Signature:	Hend O. Au
Date Of Signature:	4/18/02

37 C.F.R. §1.28(b)

(b) Once status as a small entity has been established in an application or patent, fees as a small entity may thereafter be paid in that application or patent without regard to a change in status until the issue fee is due or any maintenance fee is due. Notification of any change in status resulting in loss of entitlement to small entity status must be filed in the application or patent prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate pursuant to \$1.9 of this part. The notification of change in status may be signed by the applicant, any person authorized to sign on behalf of the assignee, or an attorney or agent of record or acting in a representative capacity pursuant to \$1.34(a) of this part.